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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PHILLIP SCHERER,

Plaintiff,

v.

TRUMP ENTERTAINMENT RESORTS,  
INC., d/b/a TRUMP TAJ MAHAL CASINO  
RESORT,

Defendants.

Case No. 1:08-CV-04301-BMC

**CIVIL ACTION**

Hon. Brian M. Cogan, U.S.D.J.

**STIPULATION OF DISMISSAL  
WITH PREJUDICE AS TO ALL  
DEFENDANTS AND DISMISSAL OF  
ACTION**

THE MATTER in difference in the above-entitled action (the "Action") having been amicably adjusted and settled by and between Plaintiff, Phillip Scherer (the "Plaintiff"), and Defendants Trump Entertainment Resorts, Inc. and Trump Taj Mahal Casino Resort (the "Trump Defendants" and collectively with Plaintiff, the "Parties") via a settlement agreement titled as a Stipulation and Consent Order (the "SACO") and captioned in the United States Bankruptcy Court for the District of New Jersey (the "Bankruptcy Court"), which SACO provides for, among other things, (i) global resolution, settlement and releases in connection with the Action; and (ii) resolution of any future dispute with regard to the Action to be venued and adjudicated<sup>1</sup> in the Bankruptcy Court (or<sup>2</sup> the United States District Court for the District of New Jersey if the Bankruptcy Court will not or cannot hear the matter or if the Bankruptcy Court withdraws the reference of the Standing

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<sup>1</sup> Pursuant to the covenant within the SACO.

<sup>2</sup> Pursuant to the covenant within the SACO.

Order of Reference from the United States District Court for the District of New Jersey dated July 23, 1984, entered pursuant to 28 U.S.C. § 157(d)), it is hereby stipulated and agreed that the Action be and is hereby dismissed with prejudice as to all Defendants, and without costs against the Parties.


Plaintiff hereby authorizes counsel for the Trump Defendants/Reorganized Debtors to file this Stipulation with the Clerk via ECF or other effective means, and authorizes counsel for the Defendant/Reorganized Debtors to do everything necessary to give effect to, and docket this, Stipulation. Upon entry of this Order, counsel to Defendant/Reorganized Debtors will promptly provide counsel for Plaintiff a true and correct copy of this Stipulation. Facsimile signatures hereon shall be adequate for filing.

**McCARTER & ENGLISH, LLP**  
*Counsel for the Reorganized Debtors*

By: 

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**SUBIN ASSOCIATES, LLP**  
*Counsel to Phillip Scherer*

By: 

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New York, New York 10038

Dated: 9 March, 2012

Dated: 3/9, 2012